

REMARKS

Claims 1-18 are pending with the response to this Office Action. Claims 1-18 are rejected.

In a preliminary amendment, the Applicant requested that the title be amended to “**A GOAL BASED SYSTEM UTILIZING A SPREADSHEET ARCHITECTURE**”.

Typographical Errors

The Applicant has amended claim 1 to identify the third step as “(c)”.

Request for Information

The Office Action requests all related information concerning the subject application and the February 7, 2002, Response, applicable to Smialek and application 09/219,478. However, 09/219,478 issued on August 24, 2004 as U.S. Patent No. 6,782,374 and is no longer a pending patent application. Thus, in concert with the examples provided by MPEP § 704.11, the Applicant believes that the Applicant no longer needs to provide the requested information because all of the requested material is now available to the Examiner.

If the Examiner cannot locate any specific documents, the Examiner is invited to call the Applicant's representative. The Applicant's representative will provide copies of whatever the Examiner needs.

Information Disclosure Statement

The Examiner did not consider the non-patent and the foreign patent documents cited in the IDS filed on February 4, 2002. The Applicant is filing a Supplementary IDS with copies of the relevant documents in a separate paper.

Drawing Objections

Corrected drawings are submitted herewith. The corrected drawings removes all PCT references.

Specification Objections

The reformatted specification removes all of the PCT markings. No new subject matter is added. The reformatted specification is included in this response.

The abstract was included in the application as filed. However, the abstract is reformatted to be consistent in format with the specification. The reformatted abstract is included in this response.

Abstract

As discussed above, the abstract, as originally filed, has been reformatted to be consistent in format with the specification.

Double Patenting

Claims 1 and 10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 10 of U.S. Patent No. 6,016,486. The Applicant is filing a terminal disclaimer in a separate paper.

Claims 1 and 10 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 10 of copending Application No. 09/219,478. Application No. 09/219,478 is now U.S. Patent No. 6,782,374. The Office Action further alleges that the issue of priority under 35 U.S.C. 102(g) and possibly 35 U.S.C. 102(f) must be resolved. The Applicant respectfully submits that claims 1 and 10 are patentable over claims 1 and 10 of Application No. 09/219,478. For example, claim 1 of the present application includes the feature “**receiving information indicative of a goal** organized in a spreadsheet data structure” while claim 1 of Application No. 09/219,478 includes the feature of “accessing the information in the spreadsheet object component of the rule-based expert system to **determine presentation information indicative of a goal.**” Determining presentation information indicative of a goal is not the same nor is suggestive of “receiving information indicative of a goal.” Similarly, claim 10 of the present application includes the feature of “logic that receives information indicative of a goal organized in a spreadsheet data structure” while claim 10 of Application No. 09/219,478 includes the feature of “logic that accesses the data in the spreadsheet object component of the rule-based expert system to determine presentation information indicative of a goal.” Thus, the Applicant requests reconsideration of claims 1 and 10.

Claims Rejections – 35 U.S.C. § 112

Claim 1 is rejected by the Office Action under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Office Action alleges that “ ‘motivates’ is a relative term and establishes claim 1 as indefinite.” The Applicant disagrees. A common usage of “motivate” is to “provide with an incentive.” (The American Heritage Dictionary, Second College Edition, Houghton Mifflin Company.) Either an incentive is provided or is not provided. The meaning is definite. Thus, the Applicant requests reconsideration of claim 1.

Claim Rejections – 35 U.S.C. § 101

Claims 1-9 are rejected by the Office Action under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The Office Action alleges that “The language of the claim raises the question as whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application.” The Applicant is amending claim 1 to be directed to “A method for creating a presentation on a computer system.” Consequently, claim 1 is not an abstract idea and does relate to a technological art, environment or machine. Moreover, claims 2-9 depend from claim 1. The Applicant requests reconsideration of claims 1-9.

Claim Rejections – 35 U.S.C. § 102

Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 97/44766 (Cook). Claim includes the feature of “evaluating progress toward the goal and providing feedback that further motivates accomplishment of the goal based on **information contained in the spreadsheet data structure.**” (Emphasis added.) The Office Action alleges in an Examiner’s Note that “schedules are spreadsheet applications.” (Page 1, line 3.) (The Office Action admits that an Examiner Note is “a link to prior art that one of ordinary skill in the art would find inherently appropriate.”) If this were the case, then “evaluating progress toward the goal and providing feedback that further motivates accomplishment of the goal” would be based on information contained in a schedule. However, a schedule merely indicates assigned student activities and cannot be indicative of a student’s progress. Thus, Cook does not teach the feature of “evaluating progress toward the goal and providing feedback that further motivates

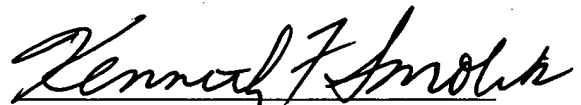
accomplishment of the goal based on information contained in the spreadsheet data structure” and does not anticipate claim 1.

Similarly, claim 10 includes the feature of “logic that evaluates progress toward a goal and providing feedback that further motivates accomplishment of the goal based on information contained in the spreadsheet data structure.” Claim 10 is not anticipated by Cook for at least the above reasons. Claims 2-9 and 11-18 ultimately depend from claims 1 and 10 and are not anticipated for at least the above reasons. The Applicant requests reconsideration of claims 1-18.

It is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Respectfully submitted,

Date: November 16, 2004



Kenneth F. Smolik
Registration No. 44,344
BANNER & WITCOFF, LTD.
10 S. Wacker Drive, Suite 3000
Chicago, IL 60606-7407
Telephone: 312-463-5000
Facsimile: 312-463-5001